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Tri-Party Agreement
03-WMD-0272

SEP 08 2003

Mr. Ken Niles, Administrator
Nuclear Safety Division
Oregon Office of Energy
625 Marion Street, NE, Suite 1
Salem, Oregon 97301

Dear Mr. Niles:

COMMENTS ON THE ENGINEERING EVALUATION/COST ANALYSIS (EE/CA) FOR
DISPOSITION OF MIXED WASTE FROM THE 183-H SOLAR EVAPORATION BASINS
(DOE/RL-2002-63)

Thank you for your April 15, 2003, letter submitting the Oregon Office of Energy's comments on the Engineering Evaluation/Cost Analysis (EE/CA) for Disposition of Mixed Waste from the 183-H Solar Evaporation Basins (DOE/RL-2002-63). Responses to those comments have been incorporated into a Comment and Response document that is enclosed for your information. The EE/CA is available in the U.S. Department of Energy's Information Repositories and at www.hanford.gov/tpa/changelist.htm.

The Tri-Party Agencies carefully weighed the comments received and determined that there is general support for our path forward for disposition of the 183-H waste. We appreciate your support for and interest in these important cleanup activities. This action will result in the accelerated disposition of more than 12,000 containers of waste in a cost effective, protective manner. If you have any questions, please contact Rudy Guercia, Waste Management Division, on (509) 376-5494.

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U.S. Department of Energy
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Enclosure

cc w/encl:
G. J. Borden, BHI
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J. L. Westcott, FHI
Administrative Record

**PUBLIC COMMENTS AND
TRI-PARTY AGENCIES RESPONSES ON
THE ENGINEERING EVALUATION/COST ANALYSIS (EE/CA)
FOR DISPOSITION OF MIXED WASTE FROM THE 183-H SOLAR
EVAPORATION BASINS**

Comment 1: I commend the parties for coming up with this plan. This plan is protective of human health and the environment by getting the waste disposed, and implementation of the plan will save the taxpayers money from having to put RCRA programs in place to treat and dispose of the waste. I agree that ERDF can accept RCRA closure waste stored at the CWC (page ES-1 of the EE/CA) from past Hanford Site chemical wastes generated during the fabrication of nuclear fuel in the 300 Area (page ES-6 of the EE/CA). I also agree that the EE/CA demonstrates sound regulatory integration between RCRA and CERCLA (page ES-6 of the EE/CA). In addition, I agree that the ERDF delisting petition requirements would be met for disposal of the 183-H Basin waste (page 5-8 of the EE/CA). I urge the parties to look and see if it is worthwhile to pursue a similar EE/CA process for other waste stored in the CWC.

Response to Comment 1: The Tri-Party Agencies appreciate your comment and support.

Comment 2: I would like for the EE/CA to correct what appears to be a small oversight. In Table ES-1 (page ES-2 of the EE/CA) and in Table 5-2 (page 5-7 of the EE/CA), it appears that a state-only LDR is being identified as a federal LDR. Please check the requirement source for the organic/carbonaceous state-only LDRs (WAC 173-303-140(4)) and make corrections, as appropriate.

Response to Comment 2: The action memorandum issued to implement this EE/CA will reference WAC 173-303-140 and not 40 CFR 268.

Comment 3: The EE/CA indicates that the barrels already in storage in the Central Waste Complex are being managed as RCRA past practice waste that may contain listed, hazardous and radioactive substances. In order to dispose of waste into the Environmental Restoration Disposal Facility (ERDF) the waste must result from a CERCLA or RCRA cleanup conducted on the Hanford Site (1996 ERDF Explanation of Significant Difference, 2002 Amendment ERDF Record of Decision). Since waste from the 183-H site was generated under RCRA past practice authority it may not be acceptable for disposal in ERDF. DOE must demonstrate that the 183-H wastes meet the ERDF Waste Acceptance Criteria prior to disposal and provide appropriate CERCLA decision documentation.

Response to Comment 3: The waste will be demonstrated to meet all aspects of the ERDF Waste Acceptance Criteria prior to any disposal actions. This will be

documented through the standard ERDF waste acceptance process. All required CERCLA documentation will be in place prior to initiating the removal action.

Comment 4: Oregon acknowledges that some of the previously containerized waste may not meet waste acceptance criteria. If, after treatment, the waste still fails requirements, then DOE will have to continue to store the waste until a suitable treatment option is developed, or a suitable offsite disposal option is negotiated. Oregon suggests that DOE agree to a series of milestones for either the treatment or storage of any unacceptable barrels, including stipulated penalties.

Response to Comment 4: Any waste that fails to meet the ERDF Waste Acceptance Criteria will fall outside of the scope of this removal action and will be managed in accordance with the milestones and penalties associated with the Tri-Party Agreement.

Comment 5: Oregon recommends that the Tri-Party agencies concur on this EE/CA and thereby generate the appropriate CERCLA Action Memorandum to allow disposal of 183-H Waste into the ERDF. This proposed strategy promotes the timely restoration of the Hanford Site, which Oregon supports.

Response to Comment 5: The Tri-Party Agencies appreciate your comment and support.